

ENTERED

December 16, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

20 CAP FUND I, LLC,	§	
	§	
VS.	§	CIVIL ACTION NO. 3:20-CV-00074
	§	
FIRST FRANKLIN FINANCIAL	§	
CORPORATION, ET AL.	§	

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On October 22, 2020, all non-dispositive pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison pursuant to 28 U.S.C. § 636(b)(1)(A). Dkt. 32. On November 2, 2020, Judge Edison filed a memorandum and recommendation (Dkt. 33) recommending that Defendants' Motion to Dismiss for Lack of Subject-Matter Jurisdiction (Dkt. 18) be granted and this case be dismissed for lack of subject matter jurisdiction.

On November 4, 2020, plaintiff filed its Jurisdictional Statement to Explain Citizenship. See Dkt. 34. Considering this an objection to Judge Edison's memorandum and recommendation under 28 U.S.C. § 636(b)(1)(C), this court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; see also Fed. R. Civ. P. 72(b)(3).


The court has carefully considered the objections; the memorandum and recommendation; the pleadings; and the record. The record does not support plaintiff's contention that it has dismissed all non-diverse parties from this case. Nonetheless, diversity jurisdiction is determined by the citizenship of the parties at the time the lawsuit is filed. *See Harris v. Black Clawson Co.*, 961 F.2d 547, 549 (5th Cir. 1992).

The court accepts Judge Edison's memorandum and recommendation and adopts it as the opinion of the court. It is therefore ordered that:

- (1) Judge Edison's memorandum and recommendation (Dkt. 33) is approved and adopted in its entirety as the holding of the court;
- (2) Defendants' Motion to Dismiss for Lack of Subject-Matter Jurisdiction (Dkt. 18) is granted; and
- (3) This case is dismissed.

It is so **ORDERED**.

Signed on Galveston Island this 16th day of December, 2020.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE